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15

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION  
19

20 UNITED STATES OF AMERICA,  
21  
22 Plaintiff,  
23  
24 v.  
25  
26 RAMESH "SUNNY" BALWANI,  
27  
28 Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF AMY WALSH RE:  
DEFENDANT RAMESH BALWANI'S  
MOTION TO ADMIT VARIOUS TRIAL  
EXHIBITS**

Judge: Honorable Edward J. Davila

DECLARATION OF AMY WALSH

I, Amy Walsh, declare as follows:

1. I am counsel for defendant Ramesh “Sunny” Balwani, an attorney admitted to practice *pro hac vice* in the above-captioned matter, and a partner at the law firm of Orrick, Herrington & Sutcliffe LLP.

2. Attached as **Exhibit 1** is a copy of a February 18, 2010 email from Ian Gibbons to Sunny Balwani and Elizabeth Holmes (Gary Frenzel copied) with excerpts of an attached slide deck, which is marked in full as Trial Exhibit 7098.

3. Attached as **Exhibit 2** is a copy of an October 19, 2010 email chain among Ian Gibbons, Elizabeth Holmes, Gary Frenzel, Surekha Gangakhedkar, Sunny Balwani, and Daniel Young, marked as Trial Exhibit 15004.

4. Attached as **Exhibit 3** is a copy of an April 19, 2013 through April 21, 2013 email chain among Daniel Young, Sunny Balwani, and Elizabeth Holmes regarding “assays for fda filing,” marked as Trial Exhibit 7286.

5. Attached as **Exhibit 4** is a copy of a July 27, 2015 email from Suraj Saksena to Mr. Balwani, and historical emails for context, marked as Trial Exhibit 20827.

6. Attached as **Exhibit 5** is a copy of a December 15, 2009 email from Elizabeth Holmes to Thomas Breuer and three attachments, together marked as Trial Exhibit 15058.

7. Attached as **Exhibit 6** is a copy of the FDA’s section 510(k) approval of the Theranos HSV-1 assay, including a screenshot of the FDA’s online publication of the same, together marked as Trial Exhibit 20817.

8. Attached as **Exhibit 7** is a copy of a July 15, 2015 email chain including Brad Arington, Heather King, Sunny Balwani, and Elizabeth Holmes, and attaching a “Waiver Granted Notification” from the FDA, together marked as Trial Exhibit 20826.

9. Attached as **Exhibit 8** is a copy of an October 23, 2013 email from Elizabeth Holmes to Sally A. Hojvat and John (Peyton) Hobson with two attachments, titled “Assay Testing Summary in CLIA Lab\_Wellness Centers\_Theranos Confidential” and “Planned Assay Testing

Summary in CLIA Lab\_Wellness Centers\_Theranos Confidential,” together marked as Trial Exhibit 15029.

10. Attached as **Exhibit 9** is a copy of Theranos’ provisional patent Application No. 61/875,678 for “Devices, Methods and Systems for Reducing Sample Volume,” obtained from the PTO’s online database, marked as Trial Exhibit 20830.

11. Attached as **Exhibit 10** is a copy of a July 7, 2015 email from Elizabeth Fife to Brad Arington (with others copied), attaching the FDA’s section 510(k) approval of Theranos’ HSV-1 assay, together marked as Trial Exhibit 27079.

I declare under penalty of perjury that the foregoing is true and correct.

Executed June 1, 2022 at San Jose, California.

s/ Amy Walsh

AMY WALSH